

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

STEPHEN MICHAEL DYER,

Plaintiff,

vs.

**KILOLO KIJAKAZI,
Commissioner of Social Security
Administration,**

Defendant.

NO.: CV 20-106-GF-JTJ

ORDER

Plaintiff Stephen M. Dyer ("Dyer"), by and through his attorney, John E. Seidlitz, Jr., moves under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §2412(d), for attorney fees and costs incurred in prosecuting his Social Security appeal. He requests \$8,457.36 in fees and \$400.00 in filing costs. Costs are not paid by agency funds, but rather by the Judgment Fund.

Defendant Commissioner of Social Security ("Commissioner") does not object to Dyer's application for fees and costs in this amount.

Accordingly, **IT IS ORDERED** that Defendant shall pay \$8,457.36 in fees under the Equal Access to Justice Act, 28 U.S.C. §2412, as well as \$400.00 in filing costs.

IT IS FURTHER ORDERED that if, after receiving the Court's EAJA fee order, the Commissioner (1) determines upon effectuation of the Court's EAJA fee order that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, (2) agrees to waive the requirements of the Anti-Assignment Act, and (3) is provided a valid assignment of fees executed by Plaintiff, the fees will be made payable to Plaintiff's attorney and mailed to Plaintiff's attorney's office as follows:

Seidlitz Law Office
P.O. Box 1581
Great Falls, MT 59403-1581

However, if there is a debt owned under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and any remaining EAJA fees after offset will be paid by a check made out to Plaintiff, but delivered to Plaintiff's attorney.

DATED this 15th day of March, 2022.



John Johnston
United States Magistrate Judge